IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 29591 of 2004(W)
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PETITIONER:
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K.M.BEEVI, W/O. MOHAMMED (LATE),
AGED 50 YEARS, PERINGHOTTUPARAMBIL HOUSE,
KALAMASSERY P.O., ERNAKULAM.

BY ADV. SRI.A.X.VARGHESE

RESPONDENTS:
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1. STATE OF KERALA,
REP. BY ITS SECRETARY, HOME DEPARTMENT,
SECRETARIATE, THIRUVANANTHAPURAM.

2. DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM.

3. THE SUPERINTENDENT OF POLICE, THRISSUR.

4. THE SUB INSPECTOR OF POLICE,
MATHILAKAM POLICE STATION, THRISSUR.

BY GOVERNMENT PLEADER SMT.R.BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIOENR'S EXHIBITS:

P1: TRUE PHOTOCOPY OF FIRST INFORMATION STATEMENT DT.22.8.04.

P2: PHOTOCOPY OF POST MORTEM REPORT DT.22.8.2004.

P3: A SCENE PHOTOGRAPH OF DECEASED BEDROOM.

P4: PHOTOGRAPHS SHOWING THE POSITION AND METHOD OF LIGATURE.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.29591 of 2004

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Dated this the 22nd day of March, 2007.

JUDGMENT

Heard counsel for the petitioner and Government Pleader. The prayer in the W.P. is for direction to investigate the death of petitioner's son who apparently died of hanging. Petitioner's allegation is that brother-in-law of the deceased who is the first informant has a role in the death which has to be investigated. However, Government Pleader submitted that death on Post Mortem was found to be due to hanging and the deceased was involved in several cases and he was fearing conviction in some such cases which would have prompted him to commit suicide. The petitioner raised a valid point that the deceased at the time of hanging had a leg in plaster on account of fracture and probably could not have committed suicide. Another point raised by him is that by virtue of the fact that the deceased was a short person, he could not have tied the cloth over the fan to hang. Another aspect is that the petitioner happens to be the mother-in-law of the person against who she has raised serious allegations. In the circumstances, I feel the matter requires a detailed enquiry. Therefore, I direct the third respondent to arrange an investigation in the matter by a Deputy

Superintendent of Police level officer. He will also look into the various crimes in which the deceased along with his brother-in-law were said to be involved and enquire whether it is a case of homicide as alleged. The W.P. is disposed of as above. Government Pleader will forward a copy of this judgment to the Superintendent of Police for follow up action.

C.N.RAMACHANDRAN NAIR
Judge

pms